

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement  
the California Renewables Portfolio Standard  
Program.

Rulemaking 04-04-026  
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGES' RULING  
GRANTING PG&E'S MOTION FOR LEAVE TO SUPPLEMENT ITS  
COMMENTS ON REPORTING AND COMPLIANCE ISSUES**

On May 15, 2006, Pacific Gas and Electric Company (PG&E) moved for leave to supplement its comments on reporting and compliance issues, and concurrently submitted "Supplement to Comments of Pacific Gas and Electric Company (U 39-E) on Reporting and Compliance Issues" (Supplement). PG&E asserts that information in its Supplement should be considered by the Commission when the Commission reaches a decision on the 2006 Renewable Portfolio Standards (RPS) Plans.

On May 15, 2006, PG&E also moved for leave to file an appendix to its Supplement under seal. PG&E states that the confidential appendix describes the results of PG&E's full earmarking proposal in terms of the results of PG&E's 2005 renewables solicitation. It does this by identifying specific bidders along with the price, quantity and online date proposed in each bid. PG&E contends that this constitutes sensitive commercial information, the disclosure of which would materially harm PG&E and its customers. PG&E states that it cannot estimate when the 2005 RPS results and its unmet need will cease to potentially influence the RPS market. PG&E asks that the protected material be kept confidential for at least five years.

No party responded in support or opposition to PG&E's motion for leave to supplement its comments, nor its motion to file an appendix under seal.

PG&E's motions should be granted. It is reasonable for the Commission to have information from PG&E's 2005 solicitation available for its consideration when deliberating on the 2006 RPS Plan draft decision. Further, PG&E's assertion that the information in the confidential appendix contains market sensitive information is not challenged by any party. This ruling with respect to the treatment of confidential information, however, should be consistent with existing Commission policy on the length of protection, and may be altered to conform to the Commission's upcoming decision in Rulemaking (R.) 05-06-040 (to implement Senate Bill 1488 relating to confidentiality of information). Any party seeking such modification should file a motion after the Commission issues its decision in R.05-06-040.

**IT IS RULED that:**

1. The May 15, 2006 motion of Pacific Gas and Electric Company (PG&E) for leave to supplement its comments on reporting and compliance issues is granted.
2. The May 15, 2006 motion of PG&E for leave to file an appendix to its Supplement under seal is granted to the extent set forth below.
  - a. The appendix shall remain under seal for a period of two years from the date of this ruling, and during that period shall not be made accessible or disclosed to anyone other than Commission staff except (1) on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge, or (2) upon execution of an appropriate nondisclosure agreement by the party to whom disclosure is made.
  - b. If any party believes that further protection of this information is needed after two years, such party shall file a motion stating the justification for further withholding the information from public

inspection, or for such other relief as Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

- c. This protection is subject to modification to conform to all terms and conditions adopted by the Commission in its forthcoming decision in Rulemaking (R.) 05-06-040 (to implement Senate Bill 1488 relating to confidentiality of information). In particular, any party may move for modification of this ruling, as needed, to apply terms and conditions from the Commission's decision in R.05-06-040 to the matters addressed herein.

Dated May 23, 2006, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judges' Ruling Granting PG&E's Motion for Leave to Supplement Its Comments on Reporting and Compliance Issues on all parties of record in this proceeding or their attorneys of record.

Dated May 23, 2006, at San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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